

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

GUARDIAN PIPELINE, L.L.C., a Delaware
limited liability company

Plaintiff,

v.

Case No. 08-C-0028

295.49 ACRES OF LAND, more or less,
in Brown Co., Calumet Co., Dodge Co.,
Fond du Lac Co., Jefferson Co., and
Outagamie Co., WI, et al.,

Defendants.

ORDER

Guardian Pipeline, LLC has filed a motion to amend this Court's order granting it immediate possession of those property interests necessary for the construction of its natural gas pipeline in the above matter, to allow for an additional temporary work area easement of 25 feet, adjacent to the existing temporary work area, on those defendant parcels on which Guardian determines the use of "threelift" soil handling procedures is necessary to preserve soil productivity. Guardian notes that it is required by the terms of the FERC Certificate and Environmental Impact Statement to utilize this soil handling procedure where it encounters certain soil conditions, so as to maintain the water holding capacity of the crop-rooting zone of the soil, and minimize impact on crop productivity following the construction of its pipeline. Guardian has identified two properties in this action—tract number G2-DG-084.00, owned by Daniel Becker, and tract number G2-FD-273.00, owned by the Joseph and Eileen Kraus Trust—which require the three-lift soil handling procedure

that necessitates the additional twenty-five feet of temporary workspace requested by this motion. Guardian has indicated that it may identify additional tracts requiring these procedures throughout the course of its construction. Guardian also requests the Court's order be amended to provide an additional temporary work area easement on tract number G2-FD-231.00, owned by Norman and Kathleen Waldschmidt, to accommodate the widening of a state highway adjacent to that parcel.

At the Court's request, Guardian has provided notice of its motion to those property owners who have appeared in this action, as well as those who have not formally appeared in the action and with whom Guardian has not reached agreement. No landowner has objected to the proposed amendment. Accordingly, Guardian's motion is granted. The Court's order of April 11, 2008 granting Guardian immediate possession of those property interests necessary for the construction of its natural gas pipeline is amended to permit Guardian an additional temporary work area easement of 25 feet, adjacent to the existing temporary work area, on those tracts of land which Guardian determines require its use of "threelift" soil handling procedures to preserve soil productivity. Guardian is also authorized to take immediate possession of an additional temporary work area easement, as further described in Exhibit E to the third amended complaint, on tract number G2-FD-231.00, to accommodate the planned widening of Wisconsin Highway 23.

SO ORDERED this 8th day of July, 2008.

s/ William C. Griesbach
William C. Griesbach
United States District Judge